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| 10/670,228 | 09/26/2003 | Kuen-Suey Hou | BHT-3212-43 | 6830 |

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| EXAMINER |
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PSITOS, ARISTOTELIS M

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| ART UNIT | PAPER NUMBER |
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2627

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06/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|-----------------------------------|--------------------------------|--|
| Office Action Summary | Application No. 10/670,228 | Applicant(s) HOU, KUEN-SUEY | |
| | Examiner Aristotelis M. Psitos | Art Unit 2627 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) ✓ | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ ✓ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Applicant's response of 4/10/07 has been considered with the following results.

Information Disclosure Statement

The submitted IDS Of 1/22/07 has been made of record. Attached is also a copy of the second page of the previously received IDS of 1/16/04 (with the examiner's initials).

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "address mark" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

In response to applicants' arguments against the inherency provision of the identified prior art, this drawing objection is made – see the below response to the rejection using this prior art reference.

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Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1,15 and 2,3, 13,14 and 16,17 are rejected under 35 U.S.C. 102(a) as being anticipated by the acknowledge prior art or alternatively under 35 USC 103 (a) as being unpatentable further in view of Chiba.

The identification as to the prior art as US 6614740 is greatly appreciated.

As recited in claim 1, the acknowledged prior art discriminates, using reflected signals from the header area of an optical disc, whether a plurality of headers are present.

The light beam-detecting module is inherently the described photodetector arrangement/segment/module in such prior art devices. The functional limitations present in lines 11-19 are interpreted as merely describing the operation thereof.

The signal-detecting module is inherently the appropriate circuitry that detects the signal (i.e., the rf component and subsequent signal processing segments) of the detected reflected light signal that is present in such prior art devices. The functional limitations of the ultimate wherein clause is interpreted as merely describing the operation thereof.

Under 102 considerations, the examiner concludes that the address mark signal is inherently present/generated – due to the slice level condition – applicants attention is further drawn to the description of the acknowledged prior art – US 6614740 starting at col. 4 line 36 till col. 9 line 56.

Alternatively under 103 considerations, if applicant can convince the examiner that no address mark signal is generated, then under 103 considerations, the examiner relies upon the further teaching from Chiba to further modify the acknowledged prior art.

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It would have been obvious to modify the base system of Park et al/the acknowledged prior art with the teaching from Chiba, motivation is to use the address mark signal in lieu of the slice level value in order to detect the address marks.

The limitations of the analogous method claim 15 are met when such prior art system(s) operate.

With respect to claims 2,3 and analogous method dependent claims 16 & 17, the acknowledged prior art to Park et al discloses in this environment, the ability of having/generating a "header" mask signal – see the discussion of figure 7 starting at col. 8 line 65. The examiner interprets this "header" mask signal as the claimed mask signal.

With respect to claims 13 and 14, the use of logical gates, i.e., "and", "or", "nand", etc. in electronic logic circuitry – which the examiner interprets as the claimed logical unit, is well known and Official notice is taken thereof. Use of such in electronic circuitry for their inherent capabilities is motivation to use such with Park et al to yield a more accurate/stabilized servo system.

Response to Arguments

Applicant's arguments filed 4/10/07 have been fully considered but they are not persuasive.

Applicant's argues against these claims:

- a) the inherency position, and
- b) against the 103 position.

With respect to the inherency position, the examiner maintains such. The examiner concludes that as is known to those of ordinary skill in this art, and as recognized by applicant, a header field inherently possesses the address mark. The examiner further submits the documents to

- a) Tanoue et al – figure 4; b) Senshu, figures 1a & b; c) Nakane et al – figure 12, and d) Takemura et al – figure 6 as illustrative of such inherent capability.

As those of ordinary skill in the art commonly know these signals, the examiner did not overly elaborate. The examiner maintains the inherency position.

With respect to the teaching from Chiba, applicant's argument is not persuasive. The document refers to header fields, which include address marks. Since there is no prohibition (see the claimed

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subject matter) to limit such to only the magnetic area, the examiner is not persuaded by the arguments submitted.

3. Claims 4,5,6,7,8,9, 10, 11,12, 18,19,20,21,22,23 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 3 above, and further in view of either JP 2002-083461 or Gulick et al.

With respect to claims 4 and 12 there is no clear depiction of a "counter" in the combined system as relied upon above in paragraph 2.

The ability of using "counters" for the inherent ability of counting pulses is taught by either the JP system – see the discussion starting at paragraph 23 of the MAT (Machine assisted translation) of the JP document, or Gulick et al.

It would have been obvious to modify the base system as relied upon above in paragraph 2 with the above additional counters teaching from either JP 2002-083461 or Gulick et al, motivation is to provide for an accurate mask signal duration predicated upon a count value.

With respect to claim 5, counters normally count in bytes/bits starting at a value of "0". The examiner considers the limitations of claim 5 as inherently present in either of the secondary references.

With respect to claim 6, "the gap" is not understood. If this language is attempting to define that section in a header region, then such is inherently found in the acknowledged prior art.

With respect to claims 7-11, 18-13, these limitations merely describe the operation of the hardware and in method terminology of their parent claims. Since the examiner has met the hardware/apparatus limitations as noted above in paragraph 2, these functional limitations follow and are met.

Response to Arguments

Applicant's arguments filed 4/10/07 have been fully considered but they are not persuasive. See the reasons with respect to the parent claims.

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Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M. Psitos whose telephone number is (571) 272-7594. The examiner can normally be reached on M-F: 6:00 - 2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D. Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aristotelis M Psitos
Primary Examiner

